

## REMARKS/ARGUMENTS

### **Allowable Subject Matter**

The Applicant notes with appreciation the conditional allowance of claims 5-8 and 12-17.

### **Claim Amendments**

The Applicant has not amended any claims. Applicant respectfully submits no new matter has been added. Claims 1-17 and 19-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

### **Office Action Comments**

The Examiner has argued that Ejzak discloses operations taking place at a single node that include both non-layered and layered communications. The Examiner has cited numerous paragraphs in Ejzak to support this contention, yet the Applicant is unable to discern from these citations the above limitation. The Applicant respectfully requests a detailed citation from Ejzak, maybe a direct quote rather than a paragraph number, that actually discloses the limitation rejected by the examiner.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-4, 9-11 and 19-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ejzak (20030027569 A1), (hereinafter Ejzak). The Applicant respectfully traverses the rejection of these claims and submits that the Ejzak reference does not disclose every limitation cited in independent claims 1 and 19.

As noted in previous communications, the Applicant claims a method and node in a communications network that can accommodate the tasks in both a layered architectural environment (e.g., MSC-Server) and a non-layered environment (e.g., MSC/VLR) (for definitions and explanation, see page 1, lines 7-22). An operation mode is determined for processing a communication service request. The operation mode for the network node is decided by the determination of the access type of the

communication service request. The access type of the communication service request is determined from a retrieved protocol that is utilized in the incoming communication service request. Responsive to the determined access type, the operation mode is then set (see page 9, lines 24-30 and page 10, lines 12-15).

As defined in the Applicant's specification (see also page 2, line 28- page 3, line 15), a layered environment includes an MSC-Server for control plane traffic and an MGW for user plane traffic with the switching node operating as an MSC-server. A non-layered environment provides an MSC/VLR to handle all (both control and user plane) traffic (i.e., no split between control plane and user plane); i.e., "... [t]he non-layered architecture for a Group Special Mobile GSM circuit switched core network comprises a Mobile Switching Centre MSC/VLR" (page 1, lines 8-9). Additionally, the switching node operates as an MSC without an MGW. The Applicant's claimed node operates in both a layered and a non-layered environment as discussed in the Applicant's specification (page 10, lines 12-27).

On the other hand, Ejzak discloses the use of an MSC which utilizes an MGW (a layered architecture). Specifically, paragraph [0095] states that "... [t]he term MSC refers to the combination of an MSC server and any MGW it controls. Similarly, the term iMSC refers to "... the combination of an iMSC server and any MGW it controls." Ejzak teaches combinations of MSC and MGW and iMSC and MGW (a layered environment) because Ejzak requires an MGW. Furthermore, the Ejzak reference does not disclose or teach a non-layered environment as in the Applicant's invention where a single node handles all traffic, i.e., without an added MGW. (page 10, lines 12-27) As pointed out above, a non-layered environment does not utilize an MGW.

In addition, Ejzak does not disclose determining the mode of operation by the node first determining an access type of the communication service request from a retrieved protocol utilized in the communication service request. Nor does Ejzak teach a node that is part of a non-layered environment that handles all traffic without an additional MGW. Therefore, since Ejzak clearly requires an MGW (see paragraph [0095]) to operate with either the MSC or iMSC, Ejzak does not disclose operating in a non-layered environment utilizing a MSC/VLR node. The Applicant respectfully

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requests the withdrawal of the rejection of claims 1 and 19 and the respective depending claims.

Therefore, since Ejzak is missing elements recited in the Applicant's independent claims, the Applicant respectfully requests the withdrawal of the rejection of claims 1 and 19 and the respective depending claims.

#### **Prior Art Not Relied Upon**

In paragraph 5 on page 8 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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